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ACTION IO-16

INFO	LOG-00	AF-01	AID-01	ARA-01	CIAE-00	SMEC-00	OASY-00
	DODE-00	EAP-01	EB-01	EUR-01	FBIE-00	H-01	TEDE-00
	INR-00	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02
	OIG-04	OMB-01	PA-01	PM-00	PRS-01	P-01	SNP-00
	SP-00	SR-00	SS-00	STR-01	TRSE-00	T-00	USIE-00
	SA-01	SNIS-00	NISC-02	PMB-00	PRME-01	DRL-09	G-00

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 8541
INFO UN SECURITY COUNCIL COLLECTIVE
AMEMBASSY THE HAGUE

C O N F I D E N T I A L USUN NEW YORK 003495

E.O.12356: DECL:OADR
TAGS: PREL, PHUM, UNSC, RS, RW, UN, SR, BK, HR
SUBJECT: RWANDA WAR CRIMES TRIBUNAL UN SECT. VIEWS

REF: USUN 3437

1. CONFIDENTIAL - ENTIRE TEXT.
2. USUN LEGAL ADVISER AND ASSISTANT LEGAL ADVISER FOR L/UNA TOOK OPPORTUNITY OF CONVERSATION ON RELATED MATTERS TO ASK UN DEPUTY LEGAL COUNCIL ZACKLIN HIS
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REACTION TO US PROPOSALS CONCERNING HANDLING OF RWANDA
CRIMES.

3. ZACKLIN SAID HE PERSONALLY FAVORED TWO LEGALLY SEPARATE ENTITIES WITH A LARGELY COMMON INFRASTRUCTURE. HE SAID HE HAD NO PROBLEMS WITH THE SAME JUDGES SITTING ON THE APPELLATE TRIBUNAL FOR YUGOSLAVIA AND THE APPELLATE TRIBUNAL FOR RWANDA OR TRIAL CHAMBERS FOR THAT MATTER. HE DID NOT FAVOR THE IDEA OF MAKING GOLDSTONE A SUPER PROSECUTOR WITH A DEPUTY FOR YUGOSLAVIA AND A DEPUTY FOR RWANDA. HE URGED A SEPARATE PROSECUTOR BE

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APPOINTED FOR RWANDA.

4. ZACKLIN SAID HE BELIEVED SOME PRESENCE OF THE RWANDA TRIBUNAL IN AFRICA WAS ESSENTIAL AND THAT PERHAPS A TRIAL CHAMBER WOULD NEED TO SIT IN AFRICA FOR AT LEAST SOME PERIOD OF TIME. HE SUGGESTED NAIROBI AS THE BEST LOCATION GIVEN ITS RELATIVE PROXIMITY AND THE EXISTING UN PRESENCE AND ADDIS AS THE NEXT BEST LOCATION GIVEN ITS EXISTING UN PRESENCE.

5. ZACKLIN WAS SYMPATHETIC TO URGING THE COMMISSION TO REPORT FAIRLY QUICKLY BUT WAS RESISTANT TO THE IDEA OF ANY ACTION ON A TRIBUNAL BEFORE THE COMMISSION HAD MADE AT LEAST A PRELIMINARY RECOMMENDATION TO THAT END. HE THOUGHT THE PRELIMINARY REPORT MIGHT BE AVAILABLE BY MID OR LATE SEPTEMBER. US INTERLOCUTORS SAID IT DID NOT SEEM PRUDENT OR DESIRABLE TO WAIT THAT LONG TO GET THE WHEELS MOVING.

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